

Balancing on the tightrope across the digital divide - what we can learn from the publication of matric results

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How would you feel if your matric or student results were published on a public platform, including your name and surname? For many, feelings that may come to mind are "exposed" or "vulnerable". If the Department of Basic Education (DBE) intended to publish matric results with names, it would have flown in the face of matriculants' right to privacy. Deciding not to publish the results, however, fails to bear in mind that the right to privacy must always be balanced with other rights, in this case the right of access to information.



South Africa groans under the weight of deep and serious inequalities, and one of the areas where that inequality may increasingly be felt is in access to information. People without access to the internet due to a lack of electricity, hardware, internet connection or the ability to buy data may face information starvation relative to those who have easy access to a world of information through the "web". This is called the digital divide, which is often discussed in terms of information ethics.

In the case brought against the DBE, the argument was made that many matriculants in our country do not have easy access to online portals to check their results, and some may not be able to travel to their schools. Therefore, the best way to cross the digital divide is to publish results in newspapers that are readily available. The court made a good, but seemingly obvious ruling, which leaves us wondering why the DBE did not consider this in the first place: Publish the results but use exam numbers (which are unique identifiers known to the matriculants but not to others with whom they haven't shared it), instead of names. In this way everyone has access to their results, and their privacy is still protected.

Going forward, I think we will see many more instances where rights need to be balanced, with uncertainty about how to balance them. It's likely that entities will lean towards privacy instead of balance, simply because the consequences of non-compliance with Popia (Protection of Personal Information Act, 2013 [Act No. 4 of 2013]) can be severe. Yet Popia's preamble specifically states that we need to bear in mind both "economic and social progress, within the framework of the information society" when applying the Act. In the information society, those with the best access to information, coupled with information literacy resulting from education, will be empowered to make the most progress. Therefore, implicit in POPIA's preamble is the warning: watch out for the digital divide – don't deepen it. This is our moral duty. Let's hope that

future decisions are more considered, and that guidance is provided on how we should approach this balancing act.

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